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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,990	04/20/2005	Kenji Suzuki	270573US0PCT	6522
22850	7590	10/29/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
BERMAN, SUSAN W				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
10/29/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/531,990

**Applicant(s)**

SUZUKI ET AL.

**Examiner**

/Susan W. Berman/

**Art Unit**

1796

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06-24-2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-14, 23-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-14, 23-27 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-856)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

***Response to Arguments***

Applicant argues that the Suzuki Declaration filed 01-09-2008 shows that a molded article obtained by molding the article and subsequently subjecting the article to crosslinking has significantly different properties than a molded article obtained by crosslinking the plastic composition and then molding the crosslinked composition. Applicant argues that the molded article in the Suzuki Declaration corresponds to the molded article disclosed by JP '835. The disclosure of JP -835 according to the translation submitted 06-24-09 has been considered.

Applicant's argument is not persuasive for the following reasons. The data in the Declaration is for a composition comprising polyethylene, while JP '835 discloses polypropylene compositions. Therefore, the comparative data relied upon is not representative of the cited prior art. There is no evidence of record of record to show that significantly different properties result when the polyolefin resin in the instant invention is polypropylene instead of polyethylene and the block copolymer is not radiation crosslinked before mixing and molding. It is known in the art that polypropylene and polyethylene have significantly different properties, thus what is obtained using polyethylene is not considered to be equivalent to and/or does not necessarily predict what would be obtained with polypropylene. J '835 discloses, in comparative Example 2 that a lower ratio of shear viscosity to elongation viscosity and a lower melt tension are obtained when the block copolymer is not crosslinked before or after molding.

***Withdrawal of Allowable Subject Matter***

Upon reconsideration, the objection to Claims 11-14 as being dependent upon a rejected base claim, but being allowable if rewritten in independent form including all of the limitations

of the base claim and any intervening claims is withdrawn and the claims are grouped with the rejected claims. The reason is that the claims are drawn to the molded article. The molded article comprises the crosslinked product of the copolymer block I and the polyolefin resin (II), as defined in claim 1. The molded article would be expected to have the same properties whether the composition is crosslinked by electron beam or by ultraviolet radiation in the presence of a photoinitiator, in the absence of evidence to the contrary.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-14 and 23-27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-060835, as disclosed in the translation filed by Applicant. J '835 discloses compositions for producing molded products. The compositions comprise an aromatic vinyl/hydrogenated diene block copolymer and a propylene resin. The propylene resin is described in paragraph [0015]. Electron beam curing is taught in paragraph [0021]. Alkyl-substituted styrenes, including –methyl styrene, and dienes, including butadiene and isoprene, are taught in paragraph [0017]. The mass ratio of block copolymer to propylene resin is taught in paragraph [0033]. The % by mass polymer block A in claim 25 is taught in paragraph [0011]. The number average molecular weight of claim 27 is taught in paragraph [0018].

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Susan W. Berman/ whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB  
10/22/2009

/Susan W Berman/  
Primary Examiner  
Art Unit 1796